

MANDATORY REQUIREMENTS FOR INITIAL STATUS CONFERENCE

Counsel for all parties are directed to appear before the Honorable Brian M. Cogan for an initial case management conference in accordance with Fed. R. Civ. P. 16 on the date and time set forth in the ECF Scheduling Order. Principal trial counsel must appear at this and all subsequent conferences.

Plaintiff(s) counsel (is) (are) directed to notify all attorneys in this action of the conference schedule in writing.

In cases where Fed. R. Civ. P. 26(f) applies, counsel for the parties shall confer in compliance therewith at least twenty-one (21) days prior to the scheduled conference to agree upon a proposed discovery plan.

On a without prejudice basis, counsel are directed to file on the docket a joint letter five days prior to the conference with a brief description of the case, including factual, jurisdictional, and legal basis for the claim(s) and defense(s); and addressing any contemplated motions. Defendant's portion of the letter may not assert a general denial, boilerplate affirmative defenses, or a need for further investigation, but must engage with the issues in the case. Failure to comply with these instructions may result in the imposition of sanctions under Fed. R. Civ. P. 16(f).

Counsel are directed to file on the docket a completed Case Management Plan using the form posted on the Court's website two days prior to the conference.

Based on the complaint in this action, the Court has preliminarily classified this case as non-complex and expects a Case Management Plan to provide for a maximum of 90 days from the Initial Status Conference for completion of fact discovery. The parties may provide for a longer period in their Case Management Plan and shall address the need for such longer period at the Conference.

Counsel are directed to review Judge Cogan's Individual Practices, which may be obtained on the Court's website at <https://www.nyed.uscourts.gov/content/judge-brian-m-cogan>. Requests for adjournment of the conference will be considered only if made in writing and otherwise in accordance with Judge Cogan's rules.

Consent to Trial Before Magistrate Judge.

If **ALL** parties consent to trial before a Magistrate Judge (with or without a jury), they may execute and file by ECF the consent form at least 72 hours before the Initial Status Conference. Upon filing of such form, the Initial Status Conference will be cancelled and the case referred to the Magistrate Judge, and the parties shall not file a Case Management Plan unless directed to do so by the Magistrate Judge. *Failure to return the executed Magistrate Judge consent form **prior to the Initial Status Conference before Judge Cogan** shall constitute a waiver of the parties' opportunity to proceed before a Magistrate Judge.*